

## REMARKS

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is therefore respectfully requested.

### Status of Claims

Claims 17-41 were pending, and have been cancelled in this paper without prejudice to their filing in a continuation or divisional application. Claims 17-41 have been rejected. New claims 42-61 have been added.

Applicants assert that no new matter has been added.

For example, new claim 49 is supported at least in Figure 4b of the Application as filed. New claims 52 and 52 are supported at least in Figure 4c and page 21, line 1 of the Application as filed. New claim 52 is supported at least in Figure 4b of the Application as filed.

### 35 U.S.C. § 103 Rejections / New Claims

The Examiner rejected claims 17, 24-26, 28-30, 35, 37, 40 and 41 under 35 U.S.C. § 103 as being unpatentable over Ibarra (U.S. Pat. 6,119,907) in view of Michelman (U.S. Pat. 7,253,789). The Examiner rejected claims 18-23, 27, 31, 36, 38 and 39 under 35 U.S.C. § 103 as being unpatentable over Ibarra in view of Michelman and further in view of Chang (U.S. Pat. 6,308,178).

Claims 17-41 have been cancelled without prejudice and therefore the rejections to these claims are now moot.

Applicants assert that new claims 42 and 56 are patentable over the prior art of record.

New independent claim 42 describes a computer-implemented performance management method that has several aspects: (i) it is carried out in “an enterprise having individuals organized according to a hierarchy,” (ii) by defining (through a user interface) a “data dictionary” that provides “a user-selectable level of the hierarchy to which the data dictionary is to be applied” and where, (iii) the method “creat[es] for an employee an individual performance measurement according to the operation at the user-selectable level of

the hierarchy.” New independent claim 56 has limitations that, for the purpose of the arguments below, are similar to the above identified limitations of claim 42.

Ibarra describes a method and apparatus that enables a supervisor to quantify job performance characteristics. The method accomplishes job performance quantification and tracking of performance by using an employee problem-solving worksheet provided on a computer display to identify objective standards for the employee, to identify and assign at least one objective activity to the employee, and to complete a monthly evaluation of the employee.

Michelman describes a system for referencing a range of cells in a spreadsheet formula by using label references. The label references are used to identify labels within the spreadsheet which, in turn, refer to a range of cells. The spreadsheet can be used in a known manner to create in a known manner to implement formulas that contain mathematical expressions containing operators.

Chang describes a system (including an “integration engine”) for integrating data among heterogeneous source applications and destination applications.

The cited art does not disclose or suggest any of the three (3) features referenced above; thus, any permissible combination of these references cannot be used to establish *prima facie* obviousness under 35 USC 103(a). Therefore, new independent claims 42 and 56 are allowable over the prior art of record. Each of dependent claims 43-55 and 57-61 depends, directly or indirectly, from one of claims 42 or 56, and is therefore likewise allowable.

Accordingly, Applicants respectfully request that rejections under 35 U.S.C. § 102 be withdrawn and the pending claims be allowed.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants assert that the pending claims are allowable. Their favorable reconsideration and allowance is respectfully requested.

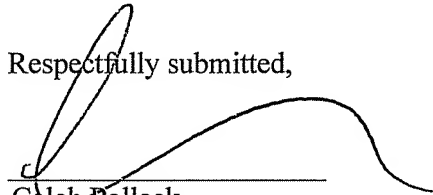
Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the

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prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Except for the fees for the petition for extension of time, being paid separately, no fees are believed to be due in connection with this paper. However, if any such fees are due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Caleb Pollack', is written over a horizontal line.

Caleb Pollack  
Attorney/Agent for Applicant(s)  
Registration No. 37,912

Dated: December 24, 2008

**Pearl Cohen Zedek Latzer, LLP**  
1500 Broadway, 12th Floor  
New York, New York 10036  
Tel: (646) 878-0800  
Fax: (646) 878-0801